

## 1.0.0 RESIDENCE

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### 1.1.0 Eligibility

A person must be a Wisconsin resident to be eligible for MA. S/he must:

1. Be physically present in Wisconsin. There is no required length of time the person has to have been physically present.
2. Express intent to reside here (1.2.0).

**Example.** This is George's first day in Wisconsin. He states that he intends to reside in Wisconsin. For MA purposes, George is a Wisconsin resident.

#### 1.1.1 Migrant Farm Worker

A migrant who meets the following conditions is a Wisconsin resident:

1. His/her primary employment in Wisconsin is in the agricultural field or cannery work,
2. S/he is authorized to work in the US,
3. S/he is not related (immediate family) by blood or marriage to the employer (as distinguished from a "crewleader"), and
4. S/he routinely leaves an established place of residence to travel to another locality to accept seasonal or temporary employment.

### 1.2.0 Intent

Intent applies to any adult age 18 or older who is capable of indicating intent. An adult is incapable of indicating intent when:

1. His/her I.Q. is 49 or less or s/he has a mental age of 7 or less, based on tests acceptable to Wisconsin's Department of Health and Family Services (DHFS); or
2. S/he is judged legally incompetent by a court of record; or

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### 1.2.0 Intent

3. Medical documentation obtained from a physician, psychologist, or other person licensed by Wisconsin in the field of developmental disability supports a finding that s/he is incapable of indicating intent.

### 1.3.0 Determining Residence

#### 1.3.1 Under Age 21

**Not in institution.** A person under age 21 and not residing in an institution is a Wisconsin resident if s/he is:

1. Living here more than temporarily.
2. Living here temporarily, not receiving MA from another state, and is a migrant farm worker or living with a family member who is a migrant farm worker.
3. Living in another state when Wisconsin or one of its county agencies has legal custody of him/her.
4. Living here and is an EBD MA case (the person's eligibility is based on blindness or disability).

**In an institution.** The residence of an institutionalized person under age 21 when his/her parents or legal guardian lives outside of Wisconsin is the state in which the parent or legal guardian states the institutionalized person is present, and intends to stay.

If the parents have abandoned him/her and no legal guardian has been appointed, his/her residence is the state in which the institution is, if the person making the MA application lives in that same state.

If s/he is married, his/her residence is the institution's state.

#### 1.3.2 Age 21 or Over

**In an institution.** The residence of an institutionalized person aged 21 or over is the state in which s/he is residing with the intent to remain.

If s/he is incapable of indicating intent, his/her residence is determined in the same way as the residence of an institutionalized person under age 21.

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### **1.4.0 Special Situations**

#### **1.4.1 SSP Payment**

The State Supplementary Payment (SSP) is the portion of an SSI payment paid by a state, not by the federal government. An SSP recipient's residence is the state making the SSP payment.

#### **1.4.2 IV-E Children**

Federal financial participation is available under Title IV-E of the Social Security Act to pay for all or part of a person's foster care or subsidized adoption. IV-E eligible children are categorically eligible in the state where they reside. This policy applies only to children who are placed in not-for-profit facilities and it applies only to MA coverage. It does not affect any maintenance payments for substitute care.

#### **1.4.3 Homeless Persons**

A homeless person living in Wisconsin meets the requirement of being physically present in Wisconsin. The agency must, by using its own address or some other fixed address, make MA cards available to eligible applicants who have no fixed dwelling place or mailing address.

#### **1.4.4 Non IV-E Foster Children**

Wisconsin certifies non IV-E foster children living in another state when Wisconsin or one of its county/tribal agencies has legal custody of the child.

Non IV-E foster children are not categorically eligible. Determine their eligibility by taking the case through the MAHB or CARES.

### **1.5.0 Absence**

Once established, Wisconsin residence is retained until abandoned. Being out-of-state, in and of itself, is not abandoning residence. Residence is not abandoned when an MA group or group member is temporarily out-of-state.

#### **1.5.1 Temporary Absence**

Temporary absence ends when another state determines the person is a resident there for MA purposes.

### **1.6.0 Effective Date of MA for SSI Recipients**

SSI recipients who move to Wisconsin become eligible for MA in Wisconsin on the 1st of the next month.

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### 1.6.0 Effective Date of MA for SSI Recipients (cont.)

**Example.** SSI recipient Mr. Nebble moves to Wisconsin from Vermont on 04-15-99. He is eligible in Vermont for April. He becomes eligible 05-01-99 in Wisconsin.

### 1.7.0 Wisconsin Veterans Home

Waupaca County receives and processes all MA applications and reviews for residents of the Wisconsin Veterans Home at King, regardless of the county of residence (IMM I, A 4.3.0).

### 1.8.0 Interstate Placements

An interstate placement occurs when a state or state contracted agency arranges for an individual to be admitted to an institution in another state.

"Arranges for" means any action by a state or state-contracted agency beyond providing information to the person or the person's family (or both). Don't consider the following to indicate interstate placement:

1. Giving information to individuals about another state's MA program.
2. Giving information to persons about the availability of health care services and facilities in another state.
3. Helping a person locate an institution in another state when that person is capable of indicating intent and independently decides to move.

When a state or state-contracted agency makes the placement, the state making the placement is the person's MA residence. The person's intent makes no difference. If Wisconsin places a person into an institution in Minnesota, Wisconsin remains the state of residence for MA even if the **person expresses an intent to reside in Minnesota.**

If Minnesota places a person in Wisconsin, Minnesota is the MA residence despite an indicated intent by the person to make his/her home in Wisconsin.

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**1.8.0 Interstate Placements**  
(cont.)

Follow this rule even when placement is made by a state because that state lacks a sufficient number of appropriate facilities to provide services to its residents.

Use the general rule of residency when a competent person leaves an institution in which s/he was placed by another state. But if the person is not able to indicate intent, MA residence continues to be that of the state that made the placement.

**1.8.1 Reciprocal Agreement**

Wisconsin has a reciprocal agreement with some other states (see the list below) that persons who are in out-of-state institutions, but were not placed there as a result of an interstate placement, are the residents of the state where the institution is. For example, a person institutionalized in Wisconsin who would otherwise be considered a resident of Minnesota is a Wisconsin resident for MA purposes.

These are the states with whom we have this agreement:

Alabama	Kentucky	Pennsylvania
Arkansas	Maryland	S. Carolina
California	Minnesota	S. Dakota
Florida	Mississippi	Texas
Georgia	New Mexico	Virginia
Idaho	N. Dakota	W. Virginia
Kansas	Ohio	

**1.8.2 Disputes**

The state in which the person is physically present is the MA residence when two or more states disagree about the person's residence.

If you determine that a state other than Wisconsin is the person's legal residence, contact the other state about providing MA coverage.

**1.9.0 Inmates**

Do not count inmates of public institutions (40.2.0, #4) as members of the household. An inmate of a public institution is a person who is a prisoner in a jail, prison, or other correctional facility, and who does not reside outside of the institution for more than 24 hours at any one time.

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### 1.9.0 Inmates (cont.)

If an inmate of a public institution is admitted, as an inpatient, to a medical institution for 24 hours or more, and is otherwise eligible, manually certify him/her for MA from the admission date through the discharge date.

“Public institution” means an institution that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control. The term “public institution” does not include a medical institution (10.1.0), a publicly operated community residence that serves no more than 16 residents, or a child care institution in which foster care maintenance payments are made under title IV-E.

**Note:** The following are not publicly operated community residences, even though they may accommodate 16 or fewer residents:

- Residential facilities located on the grounds of, or immediately adjacent to, any large institution or multiple purpose complex, **or**
- Correctional or holding facilities for individuals who are prisoners, have been arrested or detained pending disposition of charges, or are held under court order as material witnesses or juveniles.

Procedures for processing inmates of state facilities are covered in 1.9.1.

### 1.9.1 Inmates of State Correctional Institutions

Use the following process for inmates of state correctional institutions:

1. Department of Corrections (DOC) staff submits a paper application (DES 12277 or DES 2034). The mailing address for the inmate will be the DOC central office. Superintendents of state correctional facilities (Wardens) may sign the application for the inmate. Refer to 1.9.2 for the list of state correctional facilities at which the Warden may sign the application.
2. Process the inmate as a one-person household and code ANLA with a living arrangement of “01-Independent (Home/Apt/Trlr)”

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#### 1.9.1 Inmates of State Correctional Institutions (cont.)

3. If the inmate is between the ages of 19 and 64, and is not a pregnant woman, DOC will submit a Medicaid - Disability Application (DES 3071) along with the MA application (DES 12277 or DES 2034). Forward the disability application to the Disability Determination Bureau (DDB), even if there is no Confidential Information Release Authorization – Release to Disability Determination Bureau form (HFS-9D) signed by the inmate, and pend the MA application in CARES until a disability determination has been made. If the disability determination is not made within the 30-day processing period, send a manual notice to the designated DOC staff person that the MA eligibility determination has been delayed because additional information is needed.

**Note:** In many cases a Confidential Information Release Authorization – Release to Disability Determination Bureau form (HFS-9D) will not be necessary for DDB to obtain medical information from DOC. If a release is necessary, DDB will obtain it from DOC.

4. If the client is eligible, close the case in CARES by changing the request on ACPA for MA to “N”. Suppress CARES generated notices for MA and any program the client has not requested. Manually certify the inmate with the appropriate medical status code (see below), from the hospital admission date through the date of discharge. If the client has not yet been discharged, certify the client from the date of admission through the estimated discharge date. Send a manual positive notice to DOC indicating the dates of eligibility.

**Note:** It is not necessary to provide a ten-day notice of termination for MA when the reason for termination is the return of the inmate to prison.

5. If the client is ineligible, confirm the denial on CARES, and allow CARES generated notices to be sent to the designated DOC staff person.

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1.9.1 Inmates of State  
Correctional Institutions  
(cont.)

<b>Category</b>	<b>Medical Status Codes</b>
<i>Minors Under 18</i>	
Income Below AFDC-Related Categorically Needy Limit	38
Income Below AFDC-Related Medically Needy Limit	39
<i>18-year-olds</i>	
Income Below AFDC-Related Categorically Needy Limit	38
<i>Pregnant Women</i>	
Income Below AFDC-Medicaid Limit	31
Income Below AFDC-Related Categorically Needy Limit	38
Income Below AFDC-Related Medically Needy Limit	39
Income Below Healthy Start Categorically Needy Limit	PW
60-day Extension Period	E3
Income Below Healthy Start Medically Needy Limit	P1
60-day Extension Period	E4
<i>Elderly</i>	
<b>Income and Assets Below SSI-Related Categorically Needy Limit</b>	4
SSI-Related Medically Needy	5
<i>Blind</i>	
Income and Assets Below SSI-Related Categorically Needy Limit	14
SSI-Related Medically Needy	15
<i>Disabled</i>	
Income and Assets Below SSI-Related Categorically Needy Limit	22
SSI-Related Medically Needy	23
<i>Undocumented Aliens</i>	AE



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### 1.9.2. State Correctional Institutions

#### **Brown**

Green Bay Correctional Institution  
Sanger Powers Correctional Institution

#### **Chippewa**

Highview Correctional Institution  
Stanley Correctional Institution

#### **Columbia**

Columbia Correctional Institution

#### **Crawford**

Prairie du Chien Correctional Facility (Division of Juvenile  
Corrections)

#### **Dane**

Oakhill Correctional Institution  
Oregon Correctional Institution  
Thompson Correctional Institution

#### **Dodge**

John Burke Correctional Center  
Dodge Correctional Institution  
Fox Lake Correctional Institution  
Waupun Correctional Institution

#### **Douglas**

Gordon Correctional Center

#### **Fond du Lac**

McNaughton Correctional Center  
Taycheedah Correctional Institution

#### **Grant**

Supermax Correctional Institution

#### **Jackson**

Black River Correctional Institution  
Jackson Correctional Institution

#### **Kenosha**

Kenosha Correctional Center

#### **Lincoln**

Lincoln Hills School (Division of Juvenile Corrections)

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### 1.9.2. State Correctional Institutions (cont.)

#### **Milwaukee**

Marshall Sherrer Correctional Center  
Milwaukee Secure Detention Facility  
Milwaukee Women's Correctional Facility  
Felmers O'Chaney Correctional Center

#### **Racine**

Robert Ellsworth Correctional Center  
Racine Correctional Institution  
Racine Youthful Offender Correctional Facility  
Southern Oaks Girls School

#### **St. Croix**

St. Croix Correctional Center

#### **Sauk**

New Lisbon Correctional Center

#### **Sawyer**

Flambeau Correctional Center

#### **Sheboygan**

Kettle Moraine Correctional Institution

#### **Waukesha**

Ethan Allen School (Division of Juvenile  
Corrections)

#### **Waushara**

Redgranite Correctional Institution

#### **Winnebago**

Drug Abuse Correctional Center  
Oshkosh Correctional Institution

Winnebago Correctional Center  
Wisconsin Resource Center (Department of Health  
and Family Services)